

**PLANNING BOARD
TOWN OF MARILLA**

Date: September 15, 2005

Present: Debbie Zimmerman, Chairman Barbara Spanitz, Town Board
Nathan Barnard, Co-Chairman Robert Miller, Consult
Dan Handy John Fronczek, CEO
Judy Gillman
Rich Janiga
Tom Wantuck

Absent: Paul Domanowski

Guests: Robert Guest, Robert Lemke Joe Lankes, Nancy Lemke, George Gertz,
Cindy Taylor, Linda Kueker, Mary Earsing, Margaret Collis, David Collis

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:00 p.m. at which time she asked anyone tape recording the meeting to state their name and address. Robert Guest of 3587 Two Rod Road and Mary Earsing of 106 Two Rod Road responded.
- II. **MOTION** to accept August minutes, with one correction on page 2 “natural gas” instead of water, moved by Richard Janiga, seconded by Nathan Barnard. All in favor – 6 ayes.
- III. Old Business

Chairman Debbie Zimmerman stated the golf course individuals would not be present tonight and stated it would be a good time to go over the plan and make a list of our concerns.

Bob Miller stated one of two things need to take place for this concept to advance either rezoning of that portion of the property to allow subdivisions or an overlay district which is similar to cluster development allowing you to change the zoning. This is still the pre-sketch plan phase. The P.B. recommended to the Town Board approval of the overlay district which seemed to be the best concept but it does not approve any of the concepts, subdivision plan, special use permit of the golf course, etc., this is the beginning stage. The Town Board would like to receive more information on the two concept plans.

Rich Janiga stated he wanted to make it clear that this is still the proposal and nothing has advanced yet.

Councilman Barbara Spanitz read the resolution from the Town Board dated September 8, 2005: Councilman Spanitz stated the Town Board will not vote on the overlay district until further information is received.

WHEREAS, the Town Board of the Town of Marilla is considering the creation of a new Golf Course Overlay Zoning District in the Town of Marilla in response to a request from Leon Berner for a proposed golf course development in the Town of Marilla; and

WHEREAS, the Town Board had requested that Nussbaumer & Clarke, Inc., the Town Engineers, review the plans presented by Leon Berner for the golf course development and make recommendations to the Town Board and the Planning Board; and

WHEREAS, the Planning Board has already reviewed the proposed golf course development, but because the golf course development is currently not permitted under the existing zoning law which does not meet the current zoning law, the Planning Board believed that they did not need to conduct a detailed review as there was no project before them that they could act upon and as a result they did not address the issues raised by the Town Engineers; and

WHEREAS, the Town Board does not wish to undertake consideration of the creation of a new Golf Course Overlay Zoning District until it receives recommendations from the Planning Board that address the issues raised by Nussbaumer & Clarke, Inc. and other issues raised by members of the Town Board on the proposed development before it.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. That the Town Board does hereby request that the Planning Board undertake a more detailed review of the proposal for a golf course development submitted by Leon Berner.
2. That as part of such review, the Town Board directs that the Planning Board respond to the issues and recommendations made by Nussbaumer & Clarke, Inc. dated August 16, 2005 and that in addition the Planning Board consider the following issues:
 - a. Whether the single access road on Two Rod Road is sufficient for the number of residences proposed in addition to the golf course access or whether there should be an additional access road on Clinton Street or Two Rod Road or both
 - b. Whether a turn lane be required to be constructed to allow traffic to pull over when turning into the development

- c. Whether a traffic light should be required at the entrance of the development.
- d. Such other additional issues as may come up in the Planning Board's review of the Leon Berner proposal.
- e. Planning Board is required to hold a Public Hearing.

This resolution shall take effect immediately.

The Planning Board would like to recommend to the Golf Course:

- a. The P.B. feels there should be another access road on Clinton Street and the housing should be divided more evenly. Other issues include sanitation, snowplowing, and water since Marilla and Alden are both involved.
- b. Bob Miller stated a traffic study was done earlier in the project with a different number of building lots which also had one entrance. It was stated there are a number of accidents at the corner of Two Rod and Clinton. Bob Miller stated a legitimate traffic study does include traffic accidents. It was questioned if a turn lane should be required when turning into the development.
- c. Should there be a traffic light at the entrance of the golf course? The speed limit should be set at 45 m.p.h. Chairman Debbie Zimmerman asked Councilman George Gertz if there is enough room for emergency vehicles. Councilman Gertz responded the roads will have to be built to town specs and feels the single entrance is not a good idea. He feels Clinton Street is a better entrance because it is a wider road and would accept the traffic better. Councilman Gertz also feels Alden should have its own entrance. Concern for emergency vehicles needs to be addressed.
- d. The Planning Board will hold a Public Hearing.

Chairman Debbie Zimmerman stated we should now go over Nussbaumer & Clarke's August 16, 2005 memo.

- a. The western private road along Clinton Street does not appear to be necessary which would move some of the lots away from Clinton Street. Bob Miller stated these are comments from Nussbaumer & Clarke's review of the pre-sketch plan. The engineers raised the question as to who will be maintaining these two private roads. Judy Gillman stated the P.B. was not in favor of private roads.
- b. The configuration of the eastern private road along Clinton Street is not really acceptable. It would appear that a cul-de-sac configuration would be able to achieve seven lots.

Councilman Gertz stated the two issues just discussed were referred to as private driveways as opposed to roads. Dan Handy stated they will be public roads not private driveways.

- c. The design has cart paths crossing proposed public roads in at least two places. The town needs to be aware of this.
- d. In the Town of Alden will the lot sizes be above the 12,000 square foot requirement after taking into account required right-of-way for the public road?
- e. The sketch plan should be re-configured to show road right-of-ways rather than simply the road center lines.
- f. Lot sizes and acreage of all proposed lots should be indicated. Lots should be numbered for reference purposes.
- g. The two lots in the northwest corner of the site do not appear to have access. Leon Berner did state before that he has the right of way.
- h. Some detail should be provided of the maintenance area situated off of Clinton Street. Mr. Berner previously noted he has easements.
- i. Limits of disturbances will have to be shown on the drawing as this also will be a design issue which involves using wetlands without destroying them.

Chairman Debbie Zimmerman stated the P.B. has now gone over all of the issues from Nussbaumer & Clarke. Nathan Barnard stated he is concerned about sanitation issues. Dan Handy stated maybe a phase in of the houses over a ten year period would work. Debbie Zimmerman stated the houses may help pay for the golf course. Barbara Spanitz stated they will be selling the lots to different builders which we may put a phase in with the building permits at so many a year. John Fronczek stated they seem to have no plan on which roads will be built first and how the roads will actually be put in. Tom Wantuck stated maybe giving them a maximum number of houses to be built in one year. Judy Gillman asked Bob Miller if the town is able to impose such a restriction.

A copy of the minutes will be given to Leon Berner.

IV. New Business

None.

V. CEO Report

A Special Use Application with a fee of \$100 was passed by the Town Board. A checklist is on the back side which each applicant needs to bring in all the items listed.

VI. Town Board Report

Councilman Barbara Spanitz already reported.

VII. Open Presentations from the Floor

Chairman Debbie Zimmerman stated each individual will be given one chance to speak with no comments from the Planning Board.

Cindy Taylor of 397 Two Rod Road is upset about the golf course issue and feels the town needs to consider that the road will be coming through her bedroom window and feels Two Rod Road is already busy. She feels it will have a tremendous impact on people living on Two Rod Road and the board needs to listen to the people living on this side of the town.

Robert Guest of 3587 Two Rod Road is worried about who is going to pay for the golf course and he does not want to pay for it. He is concerned about the truck traffic on Two Rod increasing. Mr. Guest hopes the town people will have a chance to vote on the golf course before it is approved.

Margaret Collis of 489 Two Rod Road is upset about the golf course and is concerned with all the entrances on Two Rod Road and increased truck traffic. She is worried about tax increases and drainage. She feels the people on Two Rod Road will be inconvenienced and suffer the most.

Robert Lemke of 12715 Clinton Street is worried about the sewage system. Mr. Lemke questioned if it will be a storm sewer system, will it be maintained by the town and wondered if the Health Department looked at these plans. Mr. Lemke wondered will the roads go in first and then the golf course and feels all of this should be looked at.

Linda Kueker of 375 Two Rod Road is worried about safety issues on Two Rod Road. She wonders why the lots can't be 200 x 300 to cut down on the houses and the town would still have some growth along with all the other subdivisions going up in the area.

George Gertz of 2805 Four Rod Road suggested maybe holding a public hearing now before the plans are complete. This may bring in other people from town along with more input.

Chairman Debbie Zimmerman stated we would consider an informational meeting along with the golf course people.

Cindy Taylor of 397 Two Rod Road stated when she built her shed her neighbor had to approve it. She feels this is a lot bigger than a shed.

Chairman Debbie Zimmerman thanked everyone for their comments and for attending the meeting.

Dan Handy wanted to clarify he does care what people say but has to balance it with what other people want.

VIII. **MOTION** to adjourn at 8:25 p.m. Judy Gillman moved, seconded by Tom Wantuck, all in favor 6/0.

Respectfully submitted,

Laura Nuttle, Clerk